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Paper No. 6

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AUG 28 2002

In re Application of
Durairaj, et al.
Application No. 09/742,587
Filed: December 21, 2000
Attorney Docket No.: 092011-01018

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition, filed July 17, 2002, under 37 CFR 1.137(b) to revive the above-identified unintentionally abandoned application.

Petitioner is advised that the filing of a petition pursuant to 37 CFR 1.137(b) and 37 CFR 1.137(f) for failure to notify the Office of a foreign filing will not relieve petitioner of the obligation to reply to any outstanding Office action.

The petition is GRANTED and the Non-Publication Request is hereby RESCINDED.

This application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) for failure to timely notify the Office of an application filed in a foreign country or filed pursuant to an international multilateral agreement requiring publication of applications eighteen (18) months from filing.

A petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply which is met by the notification of filing in a foreign country or under a multinational international agreement; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has been found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely notify the Office within 45 days of the filing of an application in a foreign country or the filing of an application under an international multinational agreement as required by 35 USC 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

The petition fee of \$1280.00 has been charged to deposit account No. 02-2556 as authorized in the instant petition.

This application is being forwarded to the Office of Initial Patent Examination for further processing and for issuance of a corrected filing receipt setting forth a projected date of publication.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0310.

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Office of the Deputy Commissioner
for Patent Examination Policy